



COMMONWEALTH of VIRGINIA

GOVERNOR TERRY MCAULIFFE'S TASK FORCE ON
COMBATING CAMPUS SEXUAL VIOLENCE
CHAIR ATTORNEY GENERAL MARK HERRING

FEBRUARY 4, 2015, 10:00AM
VIRGINIA SEXUAL AND DOMESTIC VIOLENCE ACTION ALLIANCE

RESPONSE SUBCOMMITTEE DRAFT MEETING MINUTES

(pending approval at the next Subcommittee meeting)

Members Present: Allen Groves, Peter Blake, Jean Cheek, Judy Castele, Dan Dusseau, Bill Grace, Daphne Reid, Ellen Plummer, Mike Maxey, via teleconference

Members Not Present: Raychel Whyte, Daphne Maxwell-Reid

Staff Present: Melissa McMenemy, Elizabeth Griffin

Meeting Summary

10:00am meeting called to order

Peter Blake thanked Dr. Plummer for her contribution to the Task Force.

Dr. Plummer informed the subcommittee that she has a graduate student who can assist members of the subcommittee with literature reviews and research in preparation for the subcommittee's recommendations and report.

Dr. Plummer discussed the General Assembly session and explained that two House bills made it out of committee yesterday. Dr. Plummer explained that the education liaisons have been trying to have thoughtful deliberation on the bills. The first bill that made it out of the education committee is the bill on transcripts bill, it will now head to the House Courts committee. This bill would require all transcripts to have a prominent notification stating the individual has violated a sexual misconduct code. This bill applies to both public and private institutions.

The second bill would require campus police chiefs to report any investigation of felony criminal sexual assault to the Commonwealth's Attorney's Office within 48 hours. Recently, a bill was crafted by Del. Rob Bell regarding mandatory reporting. The subcommittee discussed the substance of and concerns with this bill.

Mike Maxey asked about the possibility of addressing legislation that has passed the General Assembly. Dr. Plummer felt this might be a possibility. She also mentioned discussing recommendations based on any legislation that passes the General Assembly with Chief John Venuti, chair of the Law Enforcement Subcommittee. Bill Grace asked about a timeline for the General Assembly process. Elizabeth Griffin

provided that timeline. February 10, 2015 is crossover, which means the bills that pass the Senate are sent to the House and vice versa. There are currently three bills in house and three bills in senate regarding campus sexual violence. It is unknown at this time which bills will be voted on and sent to the other chamber for review. This General Assembly session ends on February 28, 2015 and the veto session is first week of April.

10:35am Action Item discussion

Jean Cheek provided a summary of the action *item a trauma-informed response for survivors from the point a report is made through adjudication*. Ms. Cheek explained that she is looking into a trauma informed approach to responding to sexual violence cases for those who will have to respond, such as law enforcement and campus personnel.

Daphne Maxwell-Reid was not present and unable to present on the fair and equitable response to the accused.

Judy Castele, Peter Blake, and Bill Grace presented on collaboration, with each presenting on one subcategory of collaboration. Judy Castele discussed the case management subcategory. She discussed utilizing sexual assault response teams (SARTs). The subcommittee members discussed the pros and cons of utilizing SARTs, which included:

- Possible issues regarding FERPA with both local and collegiate SARTs.
- Local SARTs that are convened by the Commonwealth's Attorneys (CWAs) as required by Virginia Code once per year. Questions were raised about what if the local SART is in a jurisdiction that is only meeting once per year.
- Community based SARTs include CWAs, local law enforcement, SANE nurses, and other community based and local program partners. These SARTs normally share general information about cases in order to improve responses or discuss what is working well. They do not necessarily include case management.
- Who should be members of the campus SARTs and should campus personnel attend local SARTs?
- Further discussion included having a Title IX case management team. In addition, institutions are mandated to have a threat assessment team and violence prevention committee. These teams may be utilized for sexual assault case management. There are also Clery obligations that may result in a group being pulled together that is case based, which may lead to a timely warning notification.
- Case management of a sexual assault case may include interim measures for victim and/or accused. Case management needs to be confidential in nature.
- Dr. Plummer suggested the Response Subcommittee recommendation could look at the language in the SART law and broaden that language to include more people from the campuses.

Judy Castele expressed the importance of working collaboratively between local programs and campuses, including utilizing the NotAlone.gov model MOU between colleges and universities and local victim advocacy organizations. Dr. Plummer said she will have her graduate student look for sample MOUs already in existence. There may be a need to collaborate with the Law Enforcement Subcommittee on MOUs to make sure both subcommittees are on the same page.

Bill Grace discussed *Sharing information and resources between the institution, local advocacy groups, and crisis centers in specific cases*. This subcategory included two sections, one proposing a database of reported campus incidents and the second the creation of statewide Title IX team that would consist of five investigators to be housed in the Secretary of Education's Office. These investigators would be experts in Title IX investigations and be available to all colleges and universities, public and private, in Virginia, to provide technical assistance and resources for investigations involving sexual violence. The discussion began with the database:

- Colonel Grace recommended that the office of the Secretary of Education house this database.

- There may be issues surrounding FERPA requirements and the feasibility of placing the database in the Secretary of Education's office. Elizabeth Griffin offered to look into both.
- There were questions on who the institution's reporter to the database will be, for example the Title IX Coordinator or a Department Head. Adjudicating cases in the absence of the accused student was discussed as a possibility when the accused has left the institution and been provided notice that the institution may move forward if the accused does not return to the campus for a hearing.
- The subcommittee discussed marking transcripts of those whose cases have been adjudicated.
- Chief Dusseau explained how community colleges may not check a statewide database. If the database as automated, it would be more beneficial for the community colleges.
 - They offer classes in high schools, in local strip malls, have multiple campuses, and accept most applicants.
 - Projected fall enrollment for community colleges is 187,577 students.
- The purpose of the database is for institutions to use for admission and for the community to have access to information on campus-based cases

The discussion moved to the five investigators that could be housed in the Office off the Secretary of Education. Colonel Grace explained that this team could provide a knowledge level across the state and institutions in Virginia can access that knowledge. The team would receive reports from the institutions and reporting would be mandatory. The team of investigators would act in an advisory role and be able to travel to various campuses upon request. Dean Groves felt there could be value in having the state level investigator and this could be a resource for outsourced investigators. Mr. Maxey explained that the smaller, private institutions, fifteen of which have fewer than 1500 students, may benefit from having an outside resource.

Some concerns regarding the team of investigators was raised, including problems with housing the team in the Secretary of Education's office, because it is a political office with turnover every four years.

Peter Blake discussed the third sub-category, Statewide collaboration and sharing of resources between all institutions of higher education. Mr. Blake recommended convening an advisory group made up of experts from institutions and other constituencies and also a group of technical advisors that could deploy to different institutions when needed for training or case support. This could be beneficial to both institutions and boards of visitors. Both Chief Dusseau and Dr. Plummer supported this model. Mr. Blake explained that SCHEV has the authority to convene an advisory board and this would not need any legislative changes.

The subcommittee broke at 11:30am for lunch and reconvened at 12:00pm

Dean Groves presented on the action item for *Training and education regarding reporting options and support services for survivors. Using technology, apps, and social media to raise awareness of how to respond when an incident occurs.* Dean Groves provided subcommittee members with information from different colleges and universities. He recommended utilizing flow-charts and info graphics as they are easier for students to follow versus narrative formats. Online reporting portals are an option for institutions. Portals need to be easy to find for students, easy for students to file reports without coming into an office, and confidential reporting must be available.

Multiple apps for smart phones and tablets have been researched. The committee discussed the various apps. These included Live Safe and Circle of Six. Both are prevention and response based apps. Some apps connect to the police and have GPS tracking. The icons within the apps can bring up local programs and other resources, including connect to the police. The Live Safe app is plugged into the police and administration at all times. Circle of Six app is connected to the contacts that the user programs in. Live

safe requires users to go through a couple of clicks to get help. Circle of Six has one button that goes to all six contacts programmed in.

Institutions will have to pay a fee to connect the app to the university. The students will be able to use the app for free. Each app has a different fee structure. Live Safe charges per student and Circle of Six has a flat fee for multiple years. The institutions can determine which of the apps features they want for their school. Students need to download the apps in order to use them.

Chief Dusseau informed the subcommittee members that he is an unpaid member of the on the board of advisors for Live Safe. He explained that Northern Virginia Community College uses Live Safe. He mentioned that the institutions have to get the students to buy into using the apps. Dean Groves commented that adoption of these apps are not high at any institution and queried whether institutions could push it with incoming freshman students to increase usage.

12:20pm Approval of the Minutes

Allen Groves motioned to accept the minutes, Peter Blake seconded, and the minutes are approved unanimously.

12:20pm Dr. Plummer departed, with Peter Blake serving as chair for the remainder of the meeting.

Chief Dusseau reported on *Establishing standards or metrics for response services and staff (i.e. having a certain number of counselors or confidential aides based on student population and a ratio of law enforcement officers to students)*

Chief Dusseau reported that enrollment projections for Fall 2015 will be between 542,000-680,000 students in Virginia. There are currently no established ratios for police and counselors to the number of students. A Department of Justice study has suggested 3.8 law enforcement per 1000 students. Another study as suggested victim services staffing ratio of one counselor for every 664 to 731 students. Chief Dusseau's observation was that most institutions have fewer police officers than needed.

Northern Virginia Community College counselors informed Chief Dusseau they spend approximately 7 hrs per student. Counseling centers are overwhelmed and students cannot be seen in a timely manner. If reporting increases, so will the needs of the students and some may be turned away if staffing levels remain consistent. Students may feel they are not supported if they cannot be seen in a timely manner at counseling centers. Bill Grace asked about local programs being able to see students faster than on campus programs. Judy Castele explained that local programs that are accredited must have be able to see a client within 24 hours Colonel Grace noted that some local programs are not large enough to handle the additional clients in a 24-hour time frame.

At this time, the recommendation for this action item includes proposing that the Governor request a study to make recommendations on these ratios and the needs and best practices for the Commonwealth

Mike Maxey deferred his presentation on *Addressing and improving the gaps and collisions between federal mandates (OCR, VAWA, FERPA), Virginia law, local law and practices, and college and university policies for response* until the next meeting.

Lt. John Weinstein, Northern Virginia Community College, informed the subcommittee of his experience writing task force reports and offered his expertise to both this subcommittee and the task force. Lt. Weinstein offered the following lessons learned:

- Task forces focus on goals rather than means.
- There are not enough resources to accomplish goals.
- Some recommendations need to be implemented over others. Recommendations are not implemented by advocates, they are implemented by bureaucrats.
- The Task Force needs to integrate the three separate subcommittee reports with priorities.

Lt. Weinstein provided the inputs and outputs to the subcommittee and showed how the inputs are needed to achieve the outputs in a diagram. He further recommended using a chart to assist with determining the most important outputs. This chart can assist the Task Force with determining the priorities. For example, in the chart, if an input affects an output, shade it in green, if there is a moderate impact, shade it yellow, if there is a minimal impact, shade it red. This can help prioritize the goals and determine which are in need of being highlighted in the overall report and bring the three subcommittees together.

12:55pm Allen Groves motioned to adjourn the meeting, Dan Dusseau seconded, passed unanimously.